



1 MBB0851789A09, and MBB1051789A10, and )  
2 NUTMEG INSURANCE COMPANY, )  
3 Third-Party Defendants. )  
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5 Nonparties Credit Suisse AG, Credit Suisse Securities (USA), LLC, “Credit Suisse First  
6 Boston” and “Credit Suisse Cayman Island Branch” (collectively, “Credit Suisse”), by their  
7 undersigned counsel, hereby submit their *Motion to Reset Hearing Date* (“Motion”) on Credit  
8 Suisse’s Motion to Quash (defined below) for either Tuesday December 1, 2015, Monday  
9 December 7, 2015, or Tuesday December 8, 2015, or such other date that the Court is available.

10 This Motion is based upon the *Declaration of T. Ray Guy in Support of Nonparties Credit*  
11 *Suisse AG, Credit Suisse Securities (USA), LLC, “Credit Suisse First Boston,” and “Credit*  
12 *Suisse Cayman Island Branch’s” Motion to Change Hearing Date* (“Guy Declaration”) and the  
13 *Declaration of William M. Noall in Support of Nonparties Credit Suisse AG, Credit Suisse*  
14 *Securities (USA), LLC, “Credit Suisse First Boston,” and “Credit Suisse Cayman Island*  
15 *Branch’s” Motion to Change Hearing Date* (“Noall Declaration”), filed concurrently herewith,  
16 the points and authorities which follow, and the pleadings, papers and other records in the  
17 Court’s file in the above-captioned case, judicial notice of which is respectfully requested.  
18 Wherefore, Credit Suisse requests that the hearing on the Motion to Quash be reset as requested  
19 herein.

20 Dated this 19th day of November, 2015.

21 GARMAN TURNER GORDON LLP

22 By: /s/ Gabrielle A. Hamm  
23 WILLIAM M. NOALL, ESQ.  
24 GABRIELLE A. HAMM, ESQ.  
25 650 White Drive, Suite 100  
Las Vegas, Nevada 89119  
Tel: (725) 777-3000  
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26 AND  
27  
28

WEIL, GOTSHAL & MANGES LLP  
T. RAY GUY, ESQ.  
ray.guy@weil.com  
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200 Crescent Court, Suite 300  
Dallas, Texas 75201-6950  
Tel. (214) 746-7700  
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*Counsel for Credit Suisse*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF RELEVANT FACTS**

1. On October 20, 2015, Credit Suisse's *Motion to Quash and, in the Alternative, Motion for Protective Order* ("Motion to Quash") was filed with the above-captioned court. ECF No. 1.

2. On November 6, 2015, *Donald Cameron Byers' et al Opposition to Motion to Quash or, in the Alternative, Motion for Protective Order, filed by Credit Suisse AG, Credit Suisse Securities (USA), LLC, Credit Suisse First Boston, and Credit Suisse Cayman Island Branch* ("Response to Motion to Quash") [ECF No. 9] was filed.

3. On November 12, 2015, Credit Suisse filed a reply to the Response to Motion to Quash. ECF No. 15.

4. On Monday, November 16, 2015, Credit Suisse received the Court's minute order at ECF No. 20 scheduling a hearing on the Motion to Quash for December 2, 2015, at 2:30 p.m. ("Current Hearing Date"). See Guy Declaration, ¶ 8.

5. At the time of the Current Hearing Date, counsel for Credit Suisse in the above-captioned case, Ray Guy, will be travelling to New York for his law firm's annual partner meeting using a pre-purchased, non-refundable ticket. Mr. Guy's law firm's annual partner meeting is to be conducted in New York on Thursday, December 3rd and Friday, December 4th. See Guy Declaration, ¶ 9.



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III.

CONCLUSION

In summary, Credit Suisse requests that this motion be granted and the Current Hearing Date be rescheduled as set forth above.

DATED November 19th 2015.

GARMAN TURNER GORDON LLP

By: /s/ Gabrielle A. Hamm

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(214) 746-7700 (Telephone)  
(214) 746-7777 (Telecopy)  
*Counsel for Credit Suisse*

ORDER

Good cause appearing, and in light of the other parties' non-opposition (docs. # 22, # 23), **IT IS HEREBY ORDERED** that the instant motion to change hearing date (doc. # 21) is **granted**.

**IT IS FURTHER ORDERED** that the hearing date on December 2, 2015 is **vacated**. The motion to quash (doc. # 1) will now be heard before this Court on **December 7, 2015 at 2:00 p.m.**

DATED: November 20, 2015

  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Garman Turner Gordon hereby certify that on the 19th day of November, 2015, I electronically served the above foregoing document by using the court's CM/ECF system which will send notification to the following:

Dana L. Ballinger  
BALLINGER LAW OFFICE  
747 Windless Way  
Sanibel, Florida 33597

Ogonna M. Brown  
Holley, Driggs, Walch, Fine, Wray,  
Puzey, & Thompson  
400 South Fourth St., Third Flr.  
Las Vegas, NV 89101

Andrea M Gandara  
Holley, Driggs, Walch, Fine, Wray,  
Puzey & Thompson  
400 South Fourth St., Third Flr.  
Las Vegas, NV 89101

Michael E. Sullivan  
Robison Belaustegui Sharp & Low  
71 Washington Street  
Reno, NV 89503

I hereby certify that a true and correct copy of the foregoing was served on the following counsel of record on November 19th 2015, by U.S. Mail, as set forth below:

James C. Sabalos  
Texas Bar #17499100  
2 Via Ravello  
Henderson, Nevada 89011

Donald L. Morrow  
Panteha Abdollahi  
Paul Hastings LLP  
695 Town Center Drive, 17th Floor  
Costa Mesa, CA 92626

Barry G. Sher  
Paul Hastings LLP  
75 East 55th Street  
New York, NY 10022

By: /s/ Jenifer Cannon  
An employee of GARMAN TURNER  
GORDON LLP

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T. RAY GUY, ESQ.  
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200 Crescent Court, Suite 300  
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Tel. (214) 746-7700  
Fax. (214) 746-7777

*Counsel for Credit Suisse*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BAHAMAS SALES ASSOCIATE, LLC,  
Plaintiff,

V.

DONALD CAMERON BYERS.

Defendant.

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DONALD CAMERON BYERS

Counterclaim-Plaintiff,

V.

BAHAMAS SALES ASSOCIATE, LLC, et al.,

Counterclaim-Defendants,

V.

CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON, subscribing to Policy Numbers MBB0651789A07, MBB0751789A08,

Case No. 15-cv-2028-RFB-CWH

**DECLARATION OF WILLIAM M. NOALL IN SUPPORT OF NONPARTIES CREDIT SUISSE AG, CREDIT SUISSE SECURITIES (USA), LLC, “CREDIT SUISSE FIRST BOSTON,” AND “CREDIT SUISSE CAYMAN ISLAND BRANCH’S” MOTION TO CHANGE HEARING DATE**

Date: December 2, 2015  
Time: 2:30 p.m.

1 MBB0851789A09, and MBB1051789A10, and )  
 2 NUTMEG INSURANCE COMPANY, )  
 3 Third-Party Defendants. )  
 4 \_\_\_\_\_ )

5 I, William M. Noall, Esq., make this Declaration under 28 U.S.C. § 1746 and state as  
 6 follows:

7 1. I am more than 21 years old, and I have never been convicted of a felony or of  
 8 any crime involving moral turpitude.

9 2. I am fully competent to make this declaration, and all of the facts set forth herein  
 10 are based on my personal knowledge.

11 3. I am licensed to practice law in California, Utah, and Nevada. I am currently a  
 12 partner with Garman Turner Gordon, LLP, and counsel for Credit Suisse AG, Credit Suisse  
 13 Securities (USA), LLC, "Credit Suisse First Boston," and "Credit Suisse Cayman Island Branch"  
 14 (collectively, "Credit Suisse") in the above-captioned case.

15 4. I submit this Declaration for all permissible purposes under the Federal Rules of  
 16 Civil Procedure and the Federal Rules of Evidence, including in support of Credit Suisse's  
 17 *Motion to Change Hearing Date* (the "Motion").

18 5. On Monday, November 16, 2015, I received the Court's minute order [ECF No.  
 19 20] scheduling a hearing on the Motion to Quash for December 2, 2015, at 2:30 p.m. ("Current  
 20 Hearing Date").

21 6. On Monday, November 16, 2015, after I reviewed the Court's minute order and  
 22 after consultation with my retaining counsel, Mr. Guy, regarding the Current Hearing Date, I  
 23 telephoned Attorney Ogonna Brown, opposing counsel with respect to the Motion to Quash. I  
 24 advised Ms. Brown that the Current Hearing Date conflicted with Mr. Guy's scheduled travel to  
 25 his law firm's annual partner meeting in New York, and asked Ms. Brown if she objected to re-  
 26 scheduling the Current Hearing Date so that Mr. Guy could attend both the hearing on the  
 27 Motion to Quash as well as his law firm's annual partner meeting. Ms. Brown indicated that she  
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1 had no objection to having the hearing scheduled on December 1st, 7th, or 8th, 2015, and would  
2 so stipulate.

3 7. After speaking to Ms. Brown, I contacted the court about rescheduling the hearing  
4 with the consent of opposing counsel and was told to file a motion.

5 I declare under penalty of perjury that the foregoing statements are true and correct.

6 Executed this 18<sup>th</sup> day of November, 2015.

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9 WILLIAM M. NOALL  
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1 MBB0851789A09, and MBB1051789A10, and )  
 2 NUTMEG INSURANCE COMPANY, )  
 3 Third-Party Defendants. )  
 4 )

5 I, T. Ray Guy, Esq., make this Declaration under 28 U.S.C. § 1746 and state as follows:

6 1. I am more than 21 years old, and I have never been convicted of a felony or of  
 7 any crime involving moral turpitude.

8 2. I am fully competent to make this declaration, and all of the facts set forth herein  
 9 are based on my personal knowledge.

10 3. I am a partner at the law firm Weil, Gotshal & Manges, LLP and counsel for  
 11 Credit Suisse AG, Credit Suisse Securities (USA), LLC, "Credit Suisse First Boston," and  
 12 "Credit Suisse Cayman Island Branch" (collectively, "Credit Suisse") in the above-captioned  
 13 case.

14 4. I submit this Declaration for all permissible purposes under the Federal Rules of  
 15 Civil Procedure and the Federal Rules of Evidence, including in support of Credit Suisse's  
 16 *Motion to Change Hearing Date* (the "Motion").

17 5. On October 20, 2015, I caused Credit Suisse's *Motion to Quash and, in the*  
 18 *Alternative, Motion for Protective Order* ("Motion to Quash") to be filed with the above-  
 19 captioned court. ECF No. 1.

20 6. On November 6, 2015, *Donald Cameron Byers' et al Opposition to Motion to*  
 21 *Quash or, in the Alternative, Motion for Protective Order, filed by Credit Suisse AG, Credit*  
 22 *Suisse Securities (USA), LLC, Credit Suisse First Boston, and Credit Suisse Cayman Island*  
 23 *Branch* ("Response to Motion to Quash") [ECF No. 9] was filed.

24 7. On November 12, 2015, Credit Suisse filed a reply to the Response to Motion to  
 25 Quash. ECF No. 15.

26 8. On Monday, November 16, 2015, I received the Court's minute order [ECF No.  
 27 20] scheduling a hearing on the Motion to Quash for December 2, 2015, at 2:30 p.m. ("Current  
 28 Hearing Date").

1           9.     At the time of the Current Hearing Date, I will be travelling to New York for my  
2 law firm's annual partner meeting using a pre-purchased, non-refundable ticket. My firm's  
3 annual meeting is to be conducted in New York on Thursday, December 3rd and Friday,  
4 December 4th.

5           10.    I am available to attend a hearing on the Motion to Quash at other times,  
6 including on Tuesday, December 1st, Monday, December 7th, or Tuesday, December 8th, 2015.

7           11.    Credit Suisse has instructed me to attend and present the Motion to Quash as I am  
8 co-lead counsel in a case captioned *L.J. Gibson, et al. v. Credit Suisse AG, et al.*, Case No. 1:10-  
9 cv-00001-JLQ, presently pending in the United States District Court for the District of Idaho  
10 ("Gibson Case"). The Motion to Quash seeks relief in respect of a subpoena that seeks discovery  
11 produced in the Gibson Case for use in a case captioned *Bahama Sales Associate, LLC v. David*  
12 *Cameron Buyers*, pending in the United States District Court for the Middle District of Florida  
13 (Jacksonville Division).

14           I declare under penalty of perjury that the foregoing statements are true and correct.

15 Executed this 17<sup>th</sup> day of November, 2015.

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T. RAY GUY